

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

In Re:

IVELISSE FELICIANO FIGUEROA  
XXX-XX-2815

Debtor(s)

Case No.: 13-02066(BKT)

Chapter 13

**TRUSTEE'S MOTION TO DISMISS**

TO THE HONORABLE COURT:

**NOW COMES** José R. Carrión, Chapter 13 Trustee, through the undersigned attorney, and very respectfully alleges and prays:

1. The captioned debtors filed the Chapter 13 petition on March 17, 2013.

2. As of today debtor(s) has/had/have been unable to obtain the Confirmation of the plan.

3. On September 25 2013, the Trustee filed an Unfavorable Recommendation to the Plan dated September 9, 2013 (Docket No. 25).

4. Debtor(s) has/had/have failed to make the necessary corrections and/or amendments requested in the Unfavorable Recommendation, hence failing to propose a confirmable plan.

5. The Trustee moves this Court for the dismissal of this case for cause pursuant to 11 U.S.C. §1307(c)(1).

6. Section 1307(c)(1) of the Bankruptcy Code [11 U.S.C. §1307 (c)(1)] provides:

*TRUSTEE'S MOTION TO DISMISS*

2

---

(c) Except as provided in subsection (f) of this section, on request of a party in interest or the United States trustee and after notice and a hearing, the court may convert a case under this chapter to a case under chapter 7 of this title, or may dismiss a case under this chapter, whichever is in the best interests of creditors and the estate, for cause, including—

(1) **unreasonable delay by the debtor that is prejudicial to creditors;**

7. Debtors have a duty to file a confirmable plan providing for the payment of his debts. Furthermore, Debtors' failure to act as described in the aforesaid paragraphs of this motion, has cause an unreasonable delay which is prejudicial to creditors that constitute CAUSE for the dismissal of the case pursuant to 11 U.S.C. §1307(c)(1).

8. In light of the aforementioned legal requirements and the Debtors' failure to act in compliance with the Bankruptcy Code, the Trustee respectfully requests this Honorable Court to dismiss the instant case.

**WHEREFORE** the Trustee respectfully prays that if debtor(s) fails to respond this motion within the notice period provided herein, the case be dismissed for cause pursuant to §1307(c)(1) without further notice or hearing.

**30 DAYS NOTICE:** The Debtor(s) and all Creditors, and Parties in Interest in this case, are hereby notified that, if debtor(s) fails to file an opposition to this motion in writing within 30 days from the date appearing in the certificate of

*TRUSTEE'S MOTION TO DISMISS*

3

---

service, infra, the Court may grant this motion, or convert the case without the need of further notice of hearing.

**CERTIFICATE OF SERVICE:** The Chapter 13 Trustee herewith certifies that a copy of this motion has been served on the same date of this motion to: the DEBTOR(s) via regular mail, to his address of record, and her/his/their attorney, via regular mail if not a ECFS registered user, and to all Creditors and Parties in Interest, who has filed a Notice of Appearance or requested to receive notices regarding the present case, to their respective address of record.

**NEGATIVE CERTIFICATION PURSUANT TO SECTION 201(B)(4) OF THE SERVICEMEN'S CIVIL RELIEF ACT OF 2003:** I hereby declare according to the attached certification(s), provided by the Department of Defense Manpower Data Center (DMDC), the Debtor(s) is (are) not in active duty or under call to active duty as a member(s) of the ARMY, NAVY, or AIR FORCES of the United States of America; the National Guard; the Public Health Service or the National Oceanic and Atmospheric Administration.

In San Juan, Puerto Rico this September 27, 2013.

/S/ JOSER R CARRION  
TRUSTEE

JOSE R. CARRIÓN-MORALES  
CHAPTER 13 TRUSTEE  
P.O. Box 9023884  
San Juan, P.R. 00902-3884  
Tel (787) 977-3535  
Fax (787) 977-3550

The undersigned hereby certifies that a true copy of the foregoing document was mailed by first class mail to the parties listed below:

JOSE R. CARRION  
PO BOX 9023884, OLD SAN JUAN STATION  
SAN JUAN, PR 00902

MARIA DE LOS ANGELES GONZALEZ, ESQ.  
US POST OFFICE & COURTHOUSE  
300 RECINTO SUR ST., SUITE 109  
OLD SAN JUAN, PR 00901

JUAN O CALDERON LITHGOW\*  
PO BOX 1710  
VEGA BAJA, PR 00694-1710

DEPARTMENT OF TREASURY  
PO BOX 9024140  
SAN JUAN, PR 00902

UNEMPLOYMENT INSURANCE  
PUERTO RICO DEPT OF LABOR  
12 FLOOR 505 MUÑOZ RIVERA AVE.

IVELISSE FELICIANO FIGUEROA  
EL ROSARIO  
I 32 CALLE OSCAR COLLAZO  
VEGA BAJA, PR 00693

AMERICAN INFOSOURCE/T MOBILE USA INC  
PO BOX 248848  
OKLAHOMA CITY, OK 73124-8848

BANCO POPULAR DE PUERTO RICO  
BANKRUPTCY DEPARTMENT  
G.P.O. BOX 36-6818  
SAN JUAN, PR 00936

BANK OF AMERICA  
PO BOX 15102  
WILMINGTON, DE 19886-5102

DEPT STORES NATIONAL BANK/MACYS  
NCO FINANCIAL SYSTEMS INC  
PO BOX 4275  
NORCROSS, GA 30091

DSNB MACYS  
MACY'S BANKRUPTCY  
PO BOX 8053  
MASON, OH 45040

MIDLAND FUNDING  
8875 AERO DR STE 200  
SAN DIEGO, CA 92123

PORTFOLIO INVESTMENTS II LLC  
C/O RECOVERY MANAGEMENT SYSTEMS CORP  
25 SE 2ND AVENUE SUITE 1120  
MIAMI, FL 33131-1605

PR ACQUISITIONS LLC  
PO BOX 194499  
SAN JUAN, PR 00919-4499

PR ACQUISITIONS LLC  
PO BOX 194499  
SAN JUAN PR 00919-4499  
, 00919-4499

PROVIMI  
PO BOX 248  
Vega Baja, PR 00694

RELIABLE FINANCIAL SERVICES  
PO BOX 21382  
SAN JUAN, PR 00928

SECURITY CREDIT SERV  
PO BOX 1156  
OXFORD, MS 38655

USDA RURAL DEVELOPMENT  
PO BOX 790170  
ST LOUIS, MO 63179-0170

DATED: September 27, 2013

mcancio

OFFICE OF THE CHAPTER 13 TRUSTEE

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF PUERTO RICO

IN RE:  
IVELISSE FELICIANO FIGUEROA  
DEBTOR (S)

CASE NO. 13-02066-BKT  
CHAPTER 13

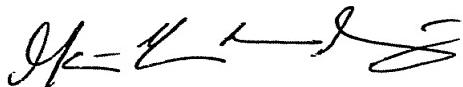
AFFIDAVIT FOR DEFAULT JUDGEMENT  
PURSUANT TO SECTION 201(b) (4)  
OF THE SERVICEMEMBERS CIVIL RELIEF ACT OF 2003

I , mcancio , clerk for the Chapter 13 & 12 Trustee's Office, declare under penalty of perjury, the following:

That according to the enclosed certification, provided by the Department of Defense Manpower Data Center (DMDC), the Debtor(s) is (are) not in active duty or under call to active duty as a member(s) of the Army, Navy or Air Forces of the United States of America; the National Guard; the Public Health Service or the National Oceanic and Atmospheric Administration.

To certify the above statement I sign this affidavit,

In San Juan, Puerto Rico, September 27, 2013.





Status Report  
Pursuant to Servicemembers Civil Relief Act

Last Name: FELICIANO FIGUEROA

First Name: IVELISSE

Middle Name:

Active Duty Status As Of: Sep-26-2013

| On Active Duty On Active Duty Status Date   |                      |        |                   |
|---|----------------------|--------|-------------------|
| Active Duty Start Date  | Active Duty End Date | Status | Service Component |
| NA  | NA                   | No     | NA                |
| This response reflects the individuals' active duty status based on the Active Duty Status Date |                      |        |                   |

| Left Active Duty Within 367 Days of Active Duty Status Date   |                      |        |                   |
|---|----------------------|--------|-------------------|
| Active Duty Start Date  | Active Duty End Date | Status | Service Component |
| NA  | NA                   | No     | NA                |
| This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date |                      |        |                   |

| The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date                   |                             |        |                   |
|---|-----------------------------|--------|-------------------|
| Order Notification Start Date   | Order Notification End Date | Status | Service Component |
| NA  | NA                          | No     | NA                |
| This response reflects whether the individual or his/her unit has received early notification to report for active duty |                             |        |                   |

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty. **HOWEVER, WITHOUT A SOCIAL SECURITY NUMBER, THE DEPARTMENT OF DEFENSE MANPOWER DATA CENTER CANNOT AUTHORITATIVELY ASSERT THAT THIS IS THE SAME INDIVIDUAL THAT YOUR QUERY REFERS TO. NAME AND DATE OF BIRTH ALONE DO NOT UNIQUELY IDENTIFY AN INDIVIDUAL.**

Mary M. Snavely-Dixon, Director  
Department of Defense - Manpower Data Center  
4800 Mark Center Drive, Suite 04E25  
Arlington, VA 22350

The DoD strongly supports the enforcement of the Servicemembers Civil Relief Act (50 USC App. § 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced only a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual was on active duty for the active duty status date, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defenselink.mil" URL: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>. If you have evidence the person was on active duty for the active duty status date and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. § 521(c).

This response reflects the following information: (1) The individual's Active Duty status on the Active Duty Status Date (2) Whether the individual left Active Duty status within 367 days preceding the Active Duty Status Date (3) Whether the individual or his/her unit received early notification to report for active duty on the Active Duty Status Date.

### More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d) (1). Prior to 2010 only some of the active duty periods less than 30 consecutive days in length were available. In the case of a member of the National Guard, this includes service under a call to active service authorized by the President or the Secretary of Defense under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy Training and Administration of the Reserves (TARs), Marine Corps Active Reserve (ARs) and Coast Guard Reserve Program Administrator (RPAs). Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps).

### Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate. SCRA protections are for Title 10 and Title 14 active duty records for all the Uniformed Services periods. Title 32 periods of Active Duty are not covered by SCRA, as defined in accordance with 10 USC § 101(d)(1).

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of the SCRA extend beyond the last dates of active duty.

Those who could rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected

WARNING: This certificate was provided based on a last name, SSN/date of birth, and active duty status date provided by the requester. Providing erroneous information will cause an erroneous certificate to be provided.

Certificate ID: O46D9BEBF0CA980